

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes**

**Before the Honorable William P. Johnson**

**Case No.:** CR 16-2376 WJ

**Date:** June 12, 2017

**Parties:** USA v. Tom Begaye, Jr.

**Courtroom Clerk:** R. Garcia

**Court Reporter:** M. Loughran

**Interpreter:** N/A

**Type of Proceeding:** Status Conference

**Place of Court:** Albuquerque

**Total time in Court:** 4 minutes

**Evidentiary Hearing:** No

**Attorneys Present for Plaintiff(s):**

Niki Tapia-Brito

**Attorneys Present for Defendant(s):**

James Loonam and Devon Fooks

**Proceedings:**

1:35 Court in session; counsel enter appearances; Defendant present.

The Court inquires if counsel have any objections to the findings of the psychological evaluation conducted by BOP; inquires if counsel believe an evidentiary hearing is necessary.

Mr. Loonam addresses the Court; advises Defendant has hired an expert to review evaluations done by Dr.

Marshal and BOP; would like to wait to hear from their expert before what he believes would be an adoption of the findings of the evaluation(s). If the Court has no objection, and if warranted after the expert's review, the parties would anticipate submitting an order stipulating to the findings of the BOP evaluation.

The Court acknowledges counsel's representations but notes that, if counsel are not in a position to stipulate, a hearing will need to be set and arrangements made by the Government for the BOP

evaluator to attend.

The Court and counsel conduct a colloquy re any necessary releases that have to be made in order for the experts to review each other's evaluation materials. Mr. Loonam believes 60 days would be sufficient for the process.

The Court will allow 60 days for the review. If the Court does not hear from counsel within 90 days, it will set another status conference.

Mr. Loonam advises the Court the parties have discussed scheduling matters and the defense has offered to resolve this matter without a trial by way of a plea; but, there are some procedural matters that will have to be addressed by the Government before they can get back to defense counsel with an answer. Defense counsel hope to resolve the matter and 60 days should be enough time to do that.

1:39 Court in recess.